

Message

From: Bradfish, Larry [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=CC7D6886AC1D46B19137244A517F457F-LBRADFIS]
Sent: 5/18/2018 11:15:10 PM
To: MacDonald, Alex@Waterboards [Alex.MacDonald@waterboards.ca.gov]
CC: Keller, Lynn [Keller.Lynn@epa.gov]; Lancaster, David@Waterboards [David.Lancaster@Waterboards.ca.gov]; Alasti, Isabella@DTSC [Isabella.Alasti@dtsc.ca.gov]
Subject: RE: Area 40 FS Table
Attachments: Area 40 ARARs AMM 5-8-18_LB_Edits.xlsx

Hi Alex,

I think the only thing we disagree on is the scope of application of 23 CCR, Chap. 15 to wastes on the ground. (except for maybe the scope of 92-49 – a perennial favorite) It may be that on OU-10, this is more academic as, if understand correctly, the proposed removal of contaminated soils will not be complete but some contaminated soils (below the water line?) will remain in place. I don't disagree that Chap. 15 regs would apply in that situation (where contaminated soils are being contained in place).

I am not certain what version of the ARARs table you are looking at but the last version that I sent to Lynn, which I think was sent on to Aerojet for incorporation into the FS, contained language similar to what we came up with at OU-6. Maybe it never filtered back to the Board and DTSC. I am attaching the last version of the tables that I sent to Lynn. Let me know if this addresses your concerns. I added some language in the last column (in red). The final version probably should have black type, although we might want to keep it in italics. I also have some comments on the table – trying to eliminate duplicates and moving things to action specific, etc.

Larry

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From: MacDonald, Alex@Waterboards [mailto:Alex.MacDonald@waterboards.ca.gov]
Sent: Friday, May 18, 2018 3:42 PM
To: Bradfish, Larry <Bradfish.Larry@epa.gov>
Cc: Keller, Lynn <Keller.Lynn@epa.gov>; Lancaster, David@Waterboards <David.Lancaster@Waterboards.ca.gov>
Subject: Area 40 FS Table

Larry - I spoke to Lynn and she said it would be fine to contact you directly concerning the last remaining issues on the ARAR tables. I had David send me your e-mails so I could get a picture of what those issues are. In simplistic terms, my interpretation of your e-mails is that you are not disagreeing with those certain portions of Chapter 15 if they are dealing with a disposal, treatment, capping etc. occurring on OU 10, but since those activities will not be occurring on OU 10, they do not apply to OU 10. Is that correct?

My opinion has been that the ARARs that we have presented are those that are applicable to the OU 10 remedy, no matter on which property it occurs. As the FS is being used not only for the OU 10 ROD, but the State-issued Area 40 RAP, the State needs to show that they have considered all of the potential ARARs in evaluating the remedial options

and selecting the final options. This would apply even to those new OU 10 soil treatment units (if they are ever constructed) on the main Aerojet property. In that manner the reader knows that those ARARs will govern those soil treatment units.

I think one of the problems is that when we discussed combining the 3 tables in the draft FS into a single table we also discussed needing some text that describes the table to the reader and provides any clarifications that are necessary. That text has not been added. I see that the table could be made clearer so that the reader is aware that the first set of ARARs in each section are the ones that all parties have agreed apply to the remedy. The second group in each section are additional ARARs that the State has determined are necessary for completing its RAP process. I would go as far as shading the second group so that they are easily differentiated from the agreed-to ARARs.

We are also willing to add language for the table description that the listed ARARs do not set a precedent or whatever better terminology fits this case.

It appears that we are very close and I am proposing the solution above – modifying the table to make the distinctions more apparent and adding the text describing and caveating, agreeing to disagree, as necessary.

Let me know what you think. Feel free to develop what table descriptive text you think would work.

Have you heard from Isabella?

Have a great working. As always, I enjoy working with you.

Alex